

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

December 23, 2008

Charles R. Fulbruge III  
Clerk

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No. 07-60899  
Summary Calendar

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SAIROJ SHAUKATALI MOMIN

Petitioner

v.

MICHAEL B MUKASEY, U S ATTORNEY GENERAL

Respondent

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Petition for Review of an Order of the  
Board of Immigration Appeals  
BIA No. A97 545 945

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Before DAVIS, GARZA and PRADO, Circuit Judges.

PER CURIAM:\*

Sairoj Shaukatali Momin, a native and citizen of India, has filed a petition for review of the Board of Immigration Appeals' (BIA) order denying her application for asylum and withholding of removal. Momin argues that she has a well-founded fear of persecution as a Muslim and that a pattern or practice of persecution exists in India against Muslims. Momin contends that the BIA's decision is not supported by substantial evidence.

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

When the BIA affirms without opinion, as it did here, this court reviews the IJ's decision. See *Eduard v. Ashcroft*, 379 F.3d 182, 186 (5th Cir. 2004). The BIA's factual findings are reviewed for substantial evidence. *Id.* Under the substantial evidence standard, this court will affirm the BIA's decision unless the evidence compels a contrary conclusion. *Chen v. Gonzales*, 470 F.3d 1131, 1134 (5th Cir. 2006).

The record does not compel the conclusion that Momin has an objectively reasonable fear of individualized persecution. See *Tesfamichael v. Gonzales*, 469 F.3d 109, 116 (5th Cir. 2006), cert. denied, 128 S. Ct. 353 (2007). Likewise, Momin's reliance on reports of violence against Muslims in the state of Gujarat and on general statements that conflict exists between Hindus and Muslims in India is not sufficient to compel the conclusion that a pattern or practice of persecution exists in India against Muslims. See 8 C.F.R. § 208.13(b)(2)(iii); *Chen v. Gonzales*, 470 F.3d at 1137-38. Momin cannot meet the more demanding standard for withholding of removal given that she cannot satisfy the standard for asylum. See *Chen*, 470 F.3d at 1138; see also 8 C.F.R. § 208.16(b)(2)(i)-(ii).

The petition for review is DENIED.